DOCUMENT RESUME

ED 079 970 EM 011 308

TITLE	Rules of Practice; Office of Cable Television, State of New Jersey.
INSTITUTION	New Jersey State Dept. of Public Utilities, Trenton. Office of Cable Television.
PUB DATE	[73]
NOTE	50p.; See Also EM 011 307, Regulations
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	*Cable Television; *Due Process; Government Publications; *Guidelines; *Municipalities; *Public Officials
IDENTIFIERS	Board of Public Utility Commissioners; New Jersey; New Jersey Department of Public Utilities; OCT; Office of Cable Television

ABSTRACT

Rules governing practice and procedure before the Office of Cable Television (OCT) within the Department of Public Utilities of the State of New Jersey are set forth. First provided are a set of definitions. Following this, specifications are set forth concerning: 1) fees and charges; 2) appearance and practice before the OCT; 3) classification of parties to disputes; 4) pleadings; 5) petitions; 6) complaint procedures; 7) answers and replies; 8) motions; 9) interventions; 10) hearing examiners; 11) hearings; 12) conferences; 13) reopening of hearings; 14) reconsideration of cases; 15) briefs; and 16) compliance with orders and recommendations. (LB)

FILMED FROM BEST AVAILABLE COPY

m

ED 079970

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

RULES OF PRACTICE

Office of Cable Television

Department of Public Utilities

of the

State of New Jersey

Rule 14:17 GENERAL

14:17-1 Scope of Rules

These rules shall govern practice and procedure before the Office of Cable Television within the Department of Public Utilities of the State of New Jersey.

14:17-2 Construction and Amendment

These rules shall be liberally construed to permit the Office to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Office. In special cases and for good cause shown, the Office with the concurrence of the Board may relax or permit deviations from these rules. The rules may be amended by the Office with the approval of the Board.

14:17-3 Definitions

As used in these rules except as otherwise required by the context:

(a) "Board" means the Board of Public Utility Commissioners of New Jersey.

(b) "Commissioner" means a member of the Board of Public Utility Commissioners.

(c) "Secretary" means and shall include the Secretary, Assistant Secretary to the Board or any other person duly authorized to act in such capacity by the Board.

(d) "Presiding Officer" means and shall include any member of the Board of Office or Hearing Examiner duly designated as such who may conduct any hearing within or on behalf of the Director of Office of Cable Television.

This is the best copy available of a document processed for EDRS by ERIC/EM. We are aware that some pages may not be readable in microfiche or hard copy. However, we feel that the document shouldn't be withheld on the basis of these

ED 011 308

(e) "Office" means the Office of Cable Television.

(f) "Director" means the Director of the Office of Cable Television.

(g) "Certificate" means a Certificate of Approval issued by the Board pursuant to the provisions of N.J.S.A. 48: 5A-1 et seq.

14:17-4 Offices

Office of Cable Television is located at 101 Commerce Street in Newark, New Jersey.

14:17-5 Hours

The Office is open on Weekdays from 9:00 A.M. to 5:00 P.M., unless otherwise authorized by the Board. The Office is closed legal holidays, Saturdays and Sundays.

14:17-6 Sessions

The Office will be in continous session for the performance of administrative duties. Hearings will be held on such days, at such hours, and at such places as the Office with the concurrence of the Board may from time to time designate.

14:17-7 Communications

All formal papers and correspondence should be addressed to the Office of Cable Television, Board of Public Utility Commissioners, 101 Commerce Street, Newark, New Jersey 07102, and not to individual members of the Office's staff unless otherwise specifically authorized or directed by the Board or the Office. All such papers and correspondence shall be deemed to be officially received when delivered at the Office at 101 Commerce Street, Newark, New Jersey, but the Director, a Com Commissioner or the Secretary or an Assistant Secretary of the Board may in his discretion receive papers and correspondence for filing.

14:17-8 Official Records

The Secretary shall have custody of the Board's seal and its official records, including the minutes of all action taken by the Board. Copies of Rules and Regulations and Orders and Decisions of the Board will be furnished by the Secretary upon payment of appropriate fees. The Chairman of the Cable Television Advisory Council shall have custody of the Council's official records, including the minutes of all meetings held.

14:17-9 Radio, Television, Photographs and Sketches

Proceedings before the Board or Office shall be conducted with fitting dignity and decorum. The taking of photographs, or the making of sketches of the hearing room or any person in it or the broadcasting of proceedings by radio or television shall not be permitted. Nothing herein contained shall be construed to limit the free access to all public hearings by duly accredited members of the press, who shall be provided suitable facilities for the performance of their duties in reporting the proceeding. Neither shall anything herein contained be construed to preclude the use of sound recording devices for the purpose of making the official transcript of the proceeding before the Board or Office by the reporter so designated for that purpose.

RULE 14:18 FEES AND CHARGES

14:18-1 Amount of Fees and Charges

a. The fee required to defray administrative expenses of hearings held pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, shall be $50.00 per day of hearing or portion thereof, to be paid by the petitioner or other moving party. In the event of a dispute as to who shall pay the fee the presiding officer shall submit a recommendation to the Director which shall be accepted, rejected or modified by the Director. In any event the Director shall make the final determination. Copies of the presiding officer's recommendation shall be served upon all parties to the proceeding who shall have 5 days in which to file and serve and answers.

b. All other fees and charges which the Office has been empowered, authorized and required by law to charge and collect are set forth in N.J.S.A.48:5A-1 et seq.or Chapter 73, P. L. 1963.

14:18-2 Payment of Fees and Charges

No petition, report,notice, document, or other paper will be accepted for filing, and no request for copies of any forms, pamphlets, documents or other papers will be granted, nor action taken by the Board or the Office unless such filings and request are accompanied by the required fees or charges, as provided by law and these rules.

All checks for payment of such fees and charges shall by made payable to the order of "Treasurer, State of New Jersey" and delivered or mailed to the Director of the Office, 101 Commerce Street, Newark, New Jersey 07102

RULE 14:19 APPEARANCE AND PRACTICE BEFORE THE BOARD OR OFFICE

14:19-1 Rights of Parties

At any hearing the parties named in Rule 14:20 who are affected by the proceeding shall be entitled to enter an appearance personally as provided for in Rule 14:19-2; to introduce evidence, examine and cross-examine witnesses, make arguments and generally participate in the conduct of the proceeding. In all instances where another cable television company or utility that has received individual notice of a proceeding intends to enter an appearance, it shall file with the Board through the Office and serve on the petitioner, at least five days before a hearing, a written notice of its intention to appear and it shall include in the written notice a brief statement of the reason for the appearance.

14:19-2 Appearances

(a) Generally. No person or party as defined in Rule 14:20 except an individual appearing in his own behalf, shall be permitted to participate in any proceeding before the Board or Office unless such person or party is represented by an attorney of this State in good standing who is domiciled in this State. Any attorney or counsellor from any other jurisdiction, of good standing there, may, at the discretion of the Board or Office be admitted, pro hac vice, to participate in a proceeding in the same manner as an attorney of this State, provided however, that all pleadings, briefs and other papers filed with the Board through the Office shall be signed by an attorney or record authorized to practice in this State who shall be held responsible for them and who shall be present at all times during the proceedings unless excused by the presiding officer. (In accordance with Supreme Court Rule 1:12-8).

(b) Withdrawal of Attorney from Proceeding. Any attorney wishing to withdraw from a proceeding before the Board or Office shall, in writing, immediately notify the Board or Office or the presiding officer, the party whom he represents, and all other parties of record.

(c) Evidence of Authority to Appear. Any person appearing before or transacting business with the Board or Office in a representative capacity may be required by the Board or Office or the presiding officer to file evidence of his authority to act in such capacity.

14:19-3 Ethical Conduct Required.

All attorneys appearing in proceedings before the Board or Office in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of the State of New Jersey. If any such attorney

does not conform to such standards to Board or Office may decline to permit such attorney to appear in a representative capacity in any proceeding before the Board or Office.

14:19-4 Former Employees

No former employee shall represent any person or party in any matter pending at the date of his termination before the agency in which the employee held office or employment for a period of six months following his termination of employment.

14:19-5 Permitted Representation

An employee shall not be prohibited from representing himself or any person or party in any matters concerning:

(a) his own interest in real property
(b) workmen's compensation claims
(c) transfer inheritance or estate taxes
(d) proceedings before the Division of Tax Appeals
(e) filing of corporate or other documents with the Secretary of State
(f) proceedings before the Division of Civil Rights
(g) proceedings before the Board of Mediation or the New Jersey Employment Relations Commission
(h) proceeding on behalf of a county, municipality, or school district, This exemption does not apply where the State is an adverse party, and providing the employee is holding any office or employment in the State agency in which any proceeding is pending.
(i) any court of record in this State.

RULE 14:20 PARTIES

14:20-1 Person or Party

"Person" or "Party" when used in these rules means an individual, corporation, partnership, association, group of persons or organizations, or any body politic, political subdivision or governmental instrumentality.

14:20-2 Classfication of Parties

Parties to proceedings before the Board or Office shall be styled according to the relationship of the parties thereto as follows:

(a) Petitioners. Parties applying to invoke the jurisdiction of the Board or Office.

(b) Respondents. Parties against whom any petition is filed or investigation is started.

(c) Intervenors. Parties to the proceeding other than the above who are permitted by the Board or Office to intervene.

14:20-3 Designation of Other Than Parties

Persons opposing petitions or tariff schedules filed by Cable Television companies shall be styled "Objectors" unless permitted to intervene.

RULE 14:21 PLEADINGS GENERALLY

14:21-1 Pleadings Enumerated and Defined

Pleadings before the Board or Office shall be petitions, answers, replies and motions which for purposes of these rules are defined as follows:

(a) Petition. The pleading filed to initiate a proceeding invoking the jurisdiction of the Board or Office.

(b) Answer. The pleading filed by a respondent or other party against whom a petition is directed or who is affected by the filing of a petition.

(c) Reply. The pleading filed by the petitioner or others in response to an answer.

(d) Motion. The pleading filed, incidental to an action before the Board or Office, for the purpose of obtaining a rule or order directing that some action be taken in favor of the movant.

(e) Where appropriate, pleadings not specified above may bear the appropriate designation.

14:21-2 Formal Requirements for Pleadings

(a) Form and Size. Pleadings and other papers filed under these rules shall be prepared on letter size (approximately 8-½x11 inches) paper of customary weight and quality.

(b) Signature. All pleadings must be signed in ink by the attorneys of record, if any. When a firm are attorneys of record, signature shall be in the name of the firm followed by the signature of the partner or associate acting for it. When a party is authorized to act in his own behalf under these rules, signature shall be by the party. Beneath the signature of every attorney of record, party or other person appearing on a paper to be filed, there shall be typed, stamped or printed his name and address.

(c) Caption and Docket Number. There shall be included at the head of the pleading or on a title page a caption setting forth the name of the Board and Office the title of the action, the docket number, if known, and a designation as petition or the like. Case titles must be brief and concise.

(d) Description of Parties. The title of the action shall include the exact names of all parties. The first pleading of any party shall state his address and if the party is a corporation, association or other organized group, there shall also be set forth the state in, and the law under which the party was incorporated or organized.

(e) Designation of Person to Whom Communication Should be Sent. The first pleading filed by or on behalf of any party shall state the name, title and address of the person to whom correspondence or communications in the cause are to be addressed. Notices, decisions orders and other papers may be served on the person so named and such service shall be deemed service upon such party.

(f) Statements. All balance sheets, income statements and journal entries must conform to the applicable Uniform System of Accounts.

14:21-3 Number of Copies.

Unless otherwise required by the Board or Office, there shall be filed with the Board through the Office for its own use an original and three conformed copies of each pleading or other paper and amendment thereof. Where a pleading originating a proceeding is filed by a party other than a Cable Television Company subject to the jurisdiction of the Office, one additional conformed copy shall be filed for each respondent named therein, for service by the Secretary in accordance with the provisions of Rule 14:21-6.

14:21-4 Defective Pleadings

Pleadings will be liberally construed with the view to effect justice and the Office may disregard errors or defects in pleadings which do not affect the substantial rights of the parties. However, if the defect in a pleading prejudices a substantial right of any party the Board or Office may, on notice, strike the pleading or take such other action as it deems appropriate.

14:21-5 Amendments

The Office may in its discretion before or after the conclusion of the hearing allow any pleadings to be amended or corrected or any omission therein to be supplied upon such terms as may be lawful and just, provided such amendment, correction, or addition does not prejudice a substantial right of any party.

14:21-6 Service and Notice of Proceedings

Unless otherwise provided for by statute or in these rules or unless otherwise ordered or permitted by the Office the following provisions shall govern:

(a) By Cable Television Companies. A petition filed on behalf of a cable television company shall be served by such company or its agent or attorney upon each respondent named in such petition.

(b) By Others. A petition originating a proceeding filed by a party other than a cable television company shall be served by the Secretary of the Board upon each respondent named in such petition.

(c) Subsequent Pleadings. Every other pleading, including all motions, answers, replies, notices, briefs, add other papers, shall be served by the party filing the same (whether a cable television company or not) on all other parties of record concurrently with or prior to the filing thereof.

(d) Proof of Service. Except when service is made by the Secretary, proof of service shall be by affidavit; by certificate of counsel or by acknowledgment of service, in every case indicating the parties served and the manner of service. Such proof of service shall be filed at the time of filing the pleading, or immediately after.

(e) Notice Pertaining to a Proceeding. Whenever public notice is required, the same shall be at the expense of the party directed to give such notice, and proof of such public notice shall be made and filed in accordance with the subparagraph (d) of this rule.

14:21-7 Valid Service

(a) Service. Unless otherwise directed by the Board or Office, service of pleadings, notices, decisions, orders, and other papers shall be deemed valid if made by delivering one copy to each party or his attorney of record in person or depositing it in the United States mail first class, postage prepaid, directed to the party or his attorney of record at his post office address. Unless otherwise provided, when any party has appeared by attorney, service upon such attorney shall be deemed valid service upon the party of all future pleadings, until notice of withdrawal or dismissal of such attorney is received in writing by the Secretary of the Board through the Office and served on all parties of record to the proceeding.

(b) Additional Time after Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the serving of a notice or other paper upon him, and notice or paper is served upon him by mail, 3 days from the date of mailing shall be added to the prescribed period.

14:21-8 Withdrawal of a Petition or Dismissal of a Proceeding

(a) Voluntary Withdrawal. A petition may be withdrawn without order of the Board by filing a notice of withdrawal at any stage of the proceeding prior to the filing of the Report and Recommendations of the Director or the Hearing Examiner or prior to the entry of the Board's decision or other final disposition of the proceeding. A proceeding may also be terminated by filing a stipulation signed by all parties who have appeared in the proceeding prior to the entry of the Board's decision or order disposing of the proceeding. However, if the Board finds that the public interest so requires, the Board by order may continue such proceeding.

(b) Dismissal by the Board. The Board may without request from or consent of the party instituting the proceeding dismiss the same for good cause shown upon recommendation of the Director on its own motion or motion of any party.

(c) Nature of Withdrawal of Dismissal. Unless otherwise specified or ordered, a withdrawal or dismissal under this rule shall be without prejudice.

14:21-9 Verification

All pleadings initiating a proceeding or otherwise seeking affirmative relief shall be verified except for those matters brought upon the Board's own motion or the motion of the Attorney General of the State of New Jersey.

14:21-10 Changes in Facts or Circumstances

Whenever, subsequent to the date of a pleading, there is any significant change in respect to the information required by these rules to be included or shown in the pleading or with respect to any other relevant matter, the party who filed the pleading shall promptly file and amendment showing or explaining the changed facts or circumstances. The filing of such amendment shall be considered a new filing as of the date of its filing unless otherwise ordered or permitted by the Board or Office.

RULE 14:22 PETITIONS

14:22-1 Form and Content

The form and content of petition shall be as set forth below:

(a) All petitions shall comply with the provisions of Rule 14:21 to the extent applicable; shall clearly and concisely state the facts and relief sought; shall cite by appropriate reference the statutory provision or other authority under which the Office's action is sought; and, in addition, shall contain such information or statements as are required by provision of the statute and the applicable provision of these rules, or such other rules adopted by the Office with the approval of the Board or orders adopted by the Board pertaining to certain petitions, or as may be required by the Board in a particular proceeding.

(b) Special requirements with respect to certain types of petitions are set forth in Rule 14:22-6 et seq.

(c) Petitions directed to particular respondents shall conclude with a direction that the respondent satisfy the prayer of the petition or file and serve an answer within 20 days in accordance with these rules.

14:22-2 Applications to Other Regulatory Bodies

Where the relief sought in a petition also requires the approval or authorization of any other state or federal regulatory body, the petition to the Office shall so state and include the following:

(a) The current status of such application.

(b) If the application to the other regulatory body or bodies has already been filed, a copy of each such application shall be attached to the petition to the Office, together with a copy of any order or certificate issued relating thereto.

(c) If such an application or an amendment thereof is filed with another state or federal regulatory body subsequent to date of filing with this Board but prior to its determination, three copies of such application or amendment thereof, together with three copies of any order or certificate issued relating thereto, shall be filed with the Office and served upon other parties of record.

14:22-3 Joinder of Request for Relief

A petitioner may join in a single petition more than one independent or alternative requests for relief, subject, however, to the payment of the statutory filing fees applicable to each of the approvals sought. The Office with the approval of the Board may in its discretion sever matters so joined for hearing and determination or take such other action as may be in the public interest.

14:22-4 Procedure of Office on Filing of Petition

If in the opinion of the Office the petition complies substantially with these rules and appears on its face to state a matter within this Office's jurisdiction, any necessary copies have been received and fees paid, the Director shall file same with the Secretary of the Board. Unless otherwise directed by the Office, petitions and subsequent pleadings shall be served by the parties as provided for in Rule 14:21-6 and Rule 14:21-7. If within the time allowed for answer the respondent makes an offer of satisfaction which is accepted by the petitioner, such offer and acceptance signed by the parties or their attorneys shall be filed with the Office and if not disapproved by the Office, proceedings closed without further action. When the respondent has not satisfied the petition, the Director may schedule a hearing thereon and issue such recommendations to the Board as the facts and circumstances appear to require.

14:22-5 Ex Parte or Emergency Relief

If a petition seeks ex parte action or the granting of emergency relief pending full hearing, it shall set forth the necessity or emergency for such requested action, and must be supported by affidavits sufficient to make out a prima facie case. The party presenting such a petition shall also present a draft of the decision or order proposed.

14:22-6 Petitions for Certificate of Approval

(a) Form and Content. Petition for certificate of approval shall conform to the provisions of Rules 14:21 and 14:22-1 to 14:22-5, to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1. A certified copy of the municipal consent involved including the terms and conditions relating thereto.

2. Proof that all statutory requirements relating to the obtaining of the municipal consent have been met.

3. Reason why petitioner believes that the municipal consent is necessary and proper for the public convenience and will properly conserve the public inter interest.

(b) Additional requirements where petition involves an arbitrary refusal by a municipality to grant a municipal consent.

In cases where the petition involves the arbitrary refusal by a municipality to grant a municipal consent, pursuant to N.J.S.A. 48:5A-1 et seq., the petition shall, in addition to the requirements of Rule 14:22-6a to the extent applicable, also provide proof that the municipal consent is being arbitrarily withheld.

14:22-7 Petition for Approval of the Modification or Amendment of the terms or Conditions of a Municipal consent upon which a certificate of approval is based.

Petitions for the approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based shall conform to the provisions of Rules 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or attached exhibits, also provide the following information:

(a) A certified copy of the existing municipal consents including the terms and conditions related thereto.

(b) A statement describing the proposed modifications or amendments to the said terms or conditions with with reasons for the changes proposed.

(c) The names of all cable television companies operating in the areas contiguous to that served by the petitioner

(d) A copy of the agreement between the municipality and the petitioner stating that the changes are acceptable.

(e) Proof of service of the petition upon all cable television companies referred to in subparagraph (c) of this rule.

14:22-8 Petitions for Approval of the Transfer of Certificates of Approval.

Petitions for approval of the transfer of certificates of approval shall conform to the requirements of Rules 14:21 and 14:22-1 to 14 to 14:22-5 to the extent applicable, and shall in the body thereof or in the attached exhibits also provide the following information:

(a) A copy of the certificate of approval issued by the Board

(b) A copy of the municipal consent for the municipality served under the certificate.

(c) A map showing current service being supplied.

(d) The names of all cable television companies operating in areas contiguous to that served by transferor under the consent involved in the application under this rule,

(e) The schedule of rates charged for the service involved.

(f) The names of the officers of the transferee or the names of its owners or partners, and the extent of their inte interest.

(g) A copy of the assignment, contract, lease or other agreement by which the transfer is proposed to be made.

(h) Affidavits by the transferor and the transferee as to the existence of any judgments, tax claims, of federal

state, municipal governments or liens against the transferor or property, or equipment involved in, or associated with the proposed transfer.

(i) A statement of the financial condition of the transferee and of its technical qualifications to operate and maintain the cable television operation and to provide safe, adequate and proper service.

(j) Proof of service of the petition upon all cable television companies referred to in subparagraph (d) of this rule.

14:22-9 Petitions for Renewal of Certificate of Approval

Petitions for renewal of a Certificate of Approval shall conform to the provisions of Rules 14:21 and 14:22 to 14:22-5 to 14:22-5 to the extent applicable and shall, in the body thereof, or in attached exhibits, also provide the following information:

(a) A copy of the Certificate of Approval issued by the Board

(b) A copy of the original municipal consent and evidence of the renewal or reissuance thereof.

(c) (1) In cases where the municipality has not acted on an application for renewal, the petitioner shall include a statement to that effect together with proof that application has been made.

(c) Proof that petitioner has been operating its cable television system in conformance with the rules, regulations and orders of the Office, and is able to continue to do so.

14:22-10 Petitions for the Approval of the Sale of Lease of Property

(a) Form and Content. Petitions for the approval of the sale, conveyance or lease of real or personal property or the granting of an easement, or like interest therein as required by law shall conform to provisions of Rules 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or in attached exhibit exhibits, also provide the following information:

1. A copy of a separate sheet or sheets designated Schedule "A" containing a description of the property, For real property, show the location by municipality and county, a metes and bounds or other adequate description of the property and rights of any, reserved by the cable television company. For personal property include sufficient information to identify the property adequately.

2. Name of transferee or lessee, the consideration or rental and method of payment thereof, and rights reserved by the transferor or lessor.

3. A copy of the written agreement.

4. A certified copy of the resolution of the Board of Directors or other authority authorizing the transfer or lease.

5. Purpose for which property was originally acquired, the date of acquisition, the use made of the property, the date when and circumstances under which it ceased to be useful for cable television purposes, the present use, the possible prospective use, if any, and the identity of the official or officials who determined that the property is not now nor prospectively required or useful for cable television purposes.

6. The basis of the price or rental: Assessed valuation, appraisal, comparable sales, or other basis. Is it the best price or rental obtainable? Attach appraisal, if any as exhibit.

7. Does the proposed consideration or rental represent the fair market value of the property to be conveyed or leased?

8. What steps were taken to put this property on the market and accomplish its sale or lease? Was it advertised? How? If bids were solicited, give names of bidders and the consideration or rental offered.

9. Is there any relationship between the parties other than transferor and transferee, or lessor and lessee? What is that relationship, if any?

10. The actual cost at date of acquisition, and the cost and nature of any improvements.

11. The amount at which the property is now carried on the cable television company's books.

12. Copies of proposed journal entries to record the transaction when the consideration is more than $20,000.

13. If property is income producing, give details. Does petitioner pay all carrying charges, including taxes? What is the assessed valuation?

14. If the property is encumbered by any mortgage, describe the mortgage, state the amount thereof, and the time required to obtain a release.

15. When the property to be sold or leased has a net book cost or fair market value of more than $100,000 the petitioner must attach to the petition copies of the advertisement required by subparagraph (b) hereof, and proof of publication.

(b) Advertising. Where the Board's approval of sale or lease is required by law and the property has a net book cost or fair market value of more than $100,000 the property shall be advertised for sale or lease at least twice, one week apart, in a daily newspaper published or circulated in the County in which the property is located, within 90 days immediately prior to the filing of the petition for the approval of the sale or lease, except that advertising shall not be required for sale or lease of property for cable television purposes to another cable television company or other person or company subject to any jurisdiction of this Office or Board, and the advertisement shall contain the following:

1. A description of the property to be sold or leased and improvements thereon. In the case of land, this shall include the street address, if any, and a description sufficient to identify the location of the property and its approximate size, which may be a description by metes and bound or lot and block numbers.

2. The place where the property is located or may be inspected, together with the street address, if any.

3. Conditions of the sale or lease, if any, together with a provision that the cable television company may reject any or all bids.

4. A statement that the sale or lease is subject to the approval of Office of Cable Television, Board of Public Utility Commissioners.

5. A statement of the place and final date of submitting sealed bids which shall not be less than 10 days after publication of the second advertisement together with a statement of the time and place of the opening of said bids, which shall not be more than 5 days following the final date submitting bids, at a place in New Jersey.

A sealed bid, in accordance with the requirements of (b) 5 above, must be submitted by a prospective purchaser or lessee, except that an offer or agreement to purchase or lease in writing received by the cable television company or executed before the first date of advertising, and still in effect at such date, shall be considered as if it were a sealed bid, provided such offer or agreement in writing meets all other condition or sale or lease, if any, included within the advertising.

(c) Exception to the Provisions of this Rule in Certain Cases. In addition to any other transactions not requiring approval or which on their merits may be deemed to be in the ordinary course of business, any lease, grant or permission by a cable television company to occupy or use its real property or any interest therein, which is terminable at the option of the cable television company upon notice not to exceed 90 days, and any release, by quitclaim deed or otherwise by any cable television company of any lease, easement or permission to occupy or use real property, shall be deemed to be in the ordinary course of its business and neither notice to the Office, nor petition for its approval, shall be required with respect thereto.

In addition to any other transactions which on their merits may be deemed to be in the ordinary course of business, the sale, lease, encumbrance or other disposition by any cable television company of such of its property or an interest therein as is hereinafter set forth, may be consummated without petition to the Office for approval, provided the cable television company shall have given written notice thereof to the Office, to be received not less than 15 days prior to the effective date of the proposed sale, lease, encumbrance or other disposition of such property:

1. The sale of personal property having a net book cost and sale price not in excess of $50,000 and which is no longer used by or useful to the Cable Television Company.

2. Except as hereinabove provided, the lease or permission to use or occupy real property or any interest therein having a net book cost not in excess of $100,000 and a net rental not in excess of $10,000 per annum.

3. The sale or release of real property, or any interest therein, not used by or useful to the cable television company and having a net book cost and sale price not in excess of $100,000.

On expiration of the notice period and on payment of the required fee the Secretary will certify on a true copy of the notice, to be furnished to the Board, that such sale, lease or release is deemed by the Board to be in the ordinary course of business and within the statutory proviso. Such notice shall contain, to the extent applicable, the following:

1. Name of transferee or lessee, the consideration or rental and method of payment thereof, and rights, of any reserved by the transferor or lessor.

2. A copy of the agreement or lease and a map of the real property.

3. A statement that the proposed consideration or rental represents the fair market value of the property to be conveyed, or the fair rental value of the property to be leased, giving the basis for the conclusion reached.

4. A statement of any relationship between the parties other than transferor and transferee, or lessor and lessee, or a statement that there is no such other relationship, as the case may be.

5. The amount at which the property is carried on the cable television company's books.

6. A statement as to whether or not the property is income producing and, if so, details as to whether the petitioner pays all carrying charges, including taxes. In addition, such statement shall include the assessed valuation of the property.

7. A statement, in the case of a proposed sale, that the property is not used by or useful to the cable television company, and in the case of a proposed lease, grant or permission, that the transaction will not compromise the ability of the cable television company to render service.

8. A verification by a properly authorized officer, partner or proprietor of the statements contained in the notice.

9. A blank space of 3 inches shall be provided at the bottom of the first page of the notice for the Board's certification.

The Board may, within the aforesaid 15-day notice period, or at any time prior to the actual consummation of the transaction, suspend the provisions of this rule and require the filing of a petition for the approval of the sale, lease, encumbrance or other disposition.

14:22-11 Petitions for Authority to Change Depreciation Rates

Petitions for the approval of a change or variation in the rates of depreciation used shall conform to the provisions of Rules 14:21, 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

(a) The existing and proposed rates of depreciation.

(b) The existing and proposed methods of calculating or determining the rates of depreciation.

(c) The calculations or studies supporting the proposed change in depreciation rates.

(d) The effect of the proposed changes on operating revenue deductions and operating income.

(e) A statement as to the date when it is proposed to make the changes in depreciation rates effective, which date shall not be earlier than 90 days after the filing of a petition under this rule.

14:22-12 Petitions for Reconsideration of Assessment

Petitions for reconsideration of the assessment levied in accordance with N.J.S.A. 48:5A-1 et seq, where applicable, shall conform to the provisions of Rule 14:21 and 14:22-1 to 14:22-5, to the extent applicable, and shall in the body thereof, or the exhibits attached thereto provide the following information:

(a) A certified copy of a statement showing gross operating revenues derived from intrastate operations during the preceding calendar year.

(b) Reasons why the petitioner feels the assessment is excessive, erroneous, unlawful or invalid.

14:22-13 Petitions for Authority to Issue Stocks, Bonds, Notes, Other Evidence of Indebtedness or to Execute Shortages

Petitions for authority to issue any stocks, bonds, notes or other evidence of indebtedness, payable in more than one year from the date thereof, and to execute mortgages shall conform to the provisions of N.J.S.A. 48:5A-1 et seq and Rule 14:21 and 14:22-1 to 14:22-5 to extent applicable, and shall in the body thereof, or in attached exhibits, provide the following:

(a) A statement of the amount and terms of the proposed issue including the nature of the security therefor, if any; the purposes for which the proceeds are to be used; and the nature of all rights and limitations applicable to the security.

(b) Where one of the purposes is the acquisition of property, a general description of the property, the name of the transferor, and a copy of the contract, if any, for such acquisition. In the case of property to be acquired for right-of-way purposes, a general description of the proposed route and a map or plot plan will be sufficient.

(c) Where one of the purposes is the construction, completion, extension or improvement of facilities, a general description of the work proposed to be done, and an estimate of the cost thereof in reasonable detail. Where one of the purposes is the improvement or maintenance of service, there shall be included a description of the existing service as well as of the improvements, or betterments proposed.

(d) Where one of the purposes is the refunding of securities, a description of the securities and obligations to be refunded, including the kind, amount, date of issue and date of maturity, together with the terms of refunding and all other material facts affecting the same must be set out.

(e) Where one of the purposes is the issuance of capital stock based upon the investment of earnings in plant, which might have been distributed in dividends a complete and reasonably detailed enumeration of petitioner's property, priced at original cost, estimated if not known. The petitioner shall produce at the hearing, evidence in support of such enumeration and pricing.

(f) Where one of the purposes is to reimburse the treasury for expenditures not theretofure capitalized by the issuance of securities, the petitioner shall also show the exact period and amount for which reimbursement is desired, comparative financial statements which shall include, as a minimum, balance sheets and utility plant by accounts as at the beginning and end of the period, as well as changes in the period (in the case of cable television plant, additions and retirements shall be stated separately for each year); a statement indicating the source and application of funds during the period; a statement indicating the manner in which petitioner proposes to use the proceeds from the security issue; and the necessity and reasonableness of the proposed transaction.

(g) Where one of the purposes is for the issuance of common capital stock in connection with the organization of a new corporation to operate as a cable television company, the petition must contain the following:

1. Copy of certificate of incorporation.

2. Names and addresses of the elected or proposed officers, directors and stockholders of the company and the number of shares of capital stock to be held by each.

3. The required number of stockholders and directors and the state in which they reside pursuant to the statute under which the corporation will be organized.

4. Corporate resolution or proposed resolution of directors of the cable television company authorizing the issuance of the stock.

5. Copy of a pro forma balance sheet of the new corporation and copy of a pro forma income statement of estimated operating results anticipated for the first two years of its proposed operations, unless a different period is specified by the Office.

6. The name of the municipality and the street and number therein:

   a. in which the principal office in this State is to be located and the name of the agent in charge of such principal office upon whom process against the corporation may be served;

   b. in which the principal business office is to be located;

   c. at which the records, books, accounts, documents and other writings referred to in N.J.S.A. 48:5A-1 et seq., to be kept and the name, place of residence within this State, and place of business of the agent who shall have custody of said corporate records and upon whom process for the production of the same before the Board or Office may be served. (The books of account must be kept in conformity with the appropriate Uniform System of Accounts prescribed by the Office.) Books and records must be kept within this State unless authority to do otherwise is obtained from the Board.

7. A detailed list of organization expenditures.

8. A copy of a pro forma balance sheet giving effect to the issuance of the proposed securities.

9. Copy of a pro forma income statement giving effect to the issuance of the proposed securities.

10. The effective rate of interest or of the cost of money to the petitioner, and the reasonableness thereof, if authority is requested to issue stocks, bonds, notes or other evidence of indebtedness by means of private placement and not a public offering, and the financial sources that the petitioner has contacted in this connection. Petitioner should submit information as to the computation of the effective rate of interest or of the cost of money as distinguished from the nominal rates which may be indicated.

(h) Where one of the purposes is the issuance of bonds to be secured by an existing mortgage a statement showing the amount and use made of the proceeds of the bonds, if any, already issued under such mortgage.

(i) Information relating to the current financial condition of the petitioner setting forth:

1. As to each class of capital stock of the petitioner, the amount authorized and the amount issued and outstanding.

2. As to each class of preferred stock of the petitioner, a summary statement of the terms of preference thereof.

3. As to each issue or series of long-term indebtedness of the petitioner, the principal amount authorized to be issued, date of issue, date of maturity, rate of interest and principal amount outstanding, and as to each such issue secured by a mortgage upon any property of the petitioner, the date of said mortgage, name of trustee, principal amount authorized to be secured, and a brief description of the mortgaged property.

4. Other indebtedness of all kinds, giving same by classes and describing security, if any.

5. Amount of interest charged to income during previous fiscal year upon each kind of indebtedness and rate thereof, and, if different rates were charged, amount charged at each rate.

6. Amount of dividends paid upon each class of stock during previous fiscal year and rate thereof.

7. Detailed income statement for previous fiscal year and balance sheet showing condition at the close of that year.

(j) A statement whether any franchise or right is proposed to be capitalized directly or indirectly. In case it is proposed to capitalize any franchise. A copy of such franchise and a statement, together with an affidavit showing the amount actually paid for said franchise shall be attached to the petition.

(k) Where any contract, agreement or arrangement, verbal or written has been to sell the securities proposed to be issued, a description of such contract, agreement or arrangement and, if in writing, a copy thereof.

(l) If no contract, agreement, or arrangement has been made for the sale or other disposition of the securities proposed to be issued, the proposed method of sale or other disposition must be set forth together with an affidavit of a competent person showing the amount which can probably be realized from the sale and disposition thereof, and the reasons for the opinion of the affiant.

(m) Petitions filed under this rule shall contain a certified copy of the resolution of the board of directors or other authority authorizing the proposed issuance of securities and shall be verified. The verification shall include a statement that it is the intention of the petitioner in good faith to use the proceeds of the securities proposed to be issued for the purposes set forth in the petition. Information which under this rule is required to be set forth in a petition or any exhibit attached thereto and which is contained in any report, document, pleading or other instrument previously filed with the Office pursuant to any requirement of any statute or any regulation of the Office, may be incorporated in such petition or exhibit by reference to the official filing thereof with the Office provided that said information is still correct in all respects.

14:22-14 Petitions for Authority to Transfer Capital Stock

Petitions for authority to transfer upon the books and records of any CATV company pursuant to N.J.S.A. 48:5A-1 et seq, where applicable, any share or shares of its capital stock, shall conform to the provisions of Rules 14:21, 14:21-6 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

(a) The name and address of the proposed transferor and transferee.

(b) A description of the proposed transferee including information as to whether the proposed transferee is a cable television company, a holding company either separately or by affiliation in a cable television holding company system, or a person or other domestic or foreign corporation.

(c) A description of the capital stock proposed to be transferred including the class of shares, number of shares and the par or stated value thereof.

(d) The percent in interest of the outstanding voting capital stock of the cable television company which the proposed transfer, either by itself or in connection with other previous sales or transfers, will vest in the transferee.

(e) The reason for the proposed transfer.

(f) Details and explanation of any changes expected to be made, if petition is approved, in:

1. Board of Directors.

2. Officers and active managers.

3. Company policies with respect to its operations, financing, accounting, capitalization, rates, depreciation, maintenance, services and other matters affecting the public interest.

(g) The qualifications and the business or technical experience of the proposed officers, directors and stockholders, or other principal management and operating personnel with particular respect to their ability to carry out the cable television company's obligation to render safe, adequate, efficient, and proper service.

14:22-15 Petition for Permission to Lend Money or Property.

Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq shall conform to Rule 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall, in the body thereof, or in exhibits thereto, provide the following additional information:

(a) Name, address, percent of stock ownership and affiliation with petitioner or other cable television company of lender.

(b) Amount of money or description of property proposed to be lent.

(c) A copy of the proposed agreement including the terms and conditions related thereto.

(d) Reasons for the proposed loan.

(e) Proof that the loan will not impair the petitioner's ability to provide safe, adequate, efficient, economical and proper service.

14:22-16 Tariff filings Which Do Not Propose Increases in Charges to Customers

Tariff filings which have as their objective the making effective of initial tariffs or of revisions, changes or alterations of existing tariffs, which are not filed because of the need for additional revenue from products or services covered by existing tariffs and which do not propose increases in charges to subscribers, shall conform to the provisions of Rules 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

(a) Four copies of the proposed tariff or revision, change or alteration thereof, together with an explanation of the manner in which the tariff or change differs from the existing or a prior tariff, and the effect, if any, upon revenues.

(b) A statement of the reasons why the said tariff or change is proposed to be filed.

(c) A statement of notices given, if any, together with a copy of the text of each of said notices.

(d) A statement as to the date on which it is proposed to make the tariff or change effective, which date shall not be earlier than 10 days after the filing unless otherwise permitted by the Office with the approval of the Board.

(e) In the case of initial tariffs pro forma income statements for each of the first two years of operations and actual or estimated balance sheets as at the beginning and end of each year of said two-year period.

14:22-17 Tariff Filings or Petitions which Propose Increases in Charges to Customers

(a) Form and Content. Tariff filings or petitions which have as their objective the making effective of revisions, changes or alterations of existing tariffs which propose to increase any rate or charge or so to alter any classification, practice, rule or regulation as to result in such an increase, shall conform to the provisions of Rules 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof, or in attached exhibits contain all applicable information and data set forth in Rule 14:22-16 and in addition shall contain the following: (Financial statements shall be prepared in accordance with the applicable Uniform System of Accounts):

1. A comparative balance sheet for the most recent three-year (calendar year or fiscal year) period.

2. Comparative income statement for the most recent three-year (calendar year or fiscal year) period.

3. A balance sheet at the most recent date available.

4. A statement of the amount of revenue derived in the calendar year last preceding the institution of the proceedings from the intrastate service rendered, the rates or charges which are the subject matter of the filing.

5. A pro forma income statement reflecting operating income at present and proposed rates and an explanation of all adjustments thereon, as well as calculation showing the indicated rate of return on the average net investment (for the same period as that covered by the pro forma income statement) i.e., investment in plant facilities plus supplies and working capital to the extent claimed, less the reserve

for depreciation and advances and contributions for facilities.

6. An itemized schedule showing all payments or accruals to affiliated companies or organizations and to those who own in excess of five percent of the cable television company's capital stock regardless of the form or manner in which such charges are paid or accrued and an explanation of the service performed for such charges.

7. A copy of the form of notice to customers.

(b) Notice of Filing of Tariff or Petition. Each cable television that makes a filing under Rule 14:22-17 (a) shall unless otherwise ordered or permitted by the Board give notice thereof as follows:

1. Serve a notice of the filing and a copy of the proposed tariff or a copy of the petition or a statement of the effect of the proposed filing upon the municipal clerk in each of the municipalities in which there is rendered cable television service, the charge for which is proposed to be increased.

2. Serve a notice of the filing and two copies of the petition or tariff on the Attorney General, at the State House Annex, Trenton, New Jersey.

3. Serve a notice of the filing and a statement of the effect on subscribers of various classes on all current subscribers who are billed on a recurring basis and who will be affected by said filing. Such notice may be by bill insert or by publication in newspapers published and circulated in the cable television company's service area.

(c) Notice of the time and place of Hearing. Each cable television company that makes a filing under Rule 14:22-17 (a) shall, after being advised by the Office of the time and place fixed for hearing, if any, and unless otherwise ordered or permitted by the Board or Office, serve notice at least 20 days prior to such time on those persons specified in subparagraphs (b) 1 and (b) 2 of this rule and shall give such notice to those persons designated in sub-paragraph (b) 3 of this rule as current subscribers billed on a recurring basis, by bill insert or by publication 20 days prior to the date set for hearing, in newspapers published and circulated in the cable television company's service area.

(d) Combining Notice. The notices provided for in subparagraphs (b) and (c) above may be given simultaneously.

(e) Cost of Notice. Where notice is prescribed under this rule it shall be at the cost and expense of the party obligated to give or serve the notice.

(f) Proof of service. Proof of service and/or notice required by this rule shall be filed with the Office at least 5 days before the date set for hearing.

14:22-18 Petitions for Approval of a Merger or Consolidation

Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to provisions of Rules 14:21, 14:21-6, 14:22-1 to 14:22-5 and 14:22-13, as well as N.J.A.C. 14:11-17 to the extent applicable, and shall contain in the petition or as attached exhibits, the following information:

1. Copy of agreement of merger or consolidation.

2. Copies of corporate resolutions of the stockholders of each of the corporations authorizing the transaction.

3. Copies of recent balance sheets of each company and a pro forma balance sheet of the continuing company.

4. Copies of recent income statements of the operations of each of the companies involved and a pro forma income statement of the continuing corporation, in sufficient detail.

5. Copies of certificates of incorporation of each corporation to be merged and amendments thereto, if not heretofore filed with the Office.

6. Total number of shares of each of the various classes of capital stock proposed to be issued, if any, by the surviving corporation, the par or stated value per share and the total amount of new capital stock to be issued.

7. The percentage, and the manner in which, if any, the presently outstanding capital stock of the corporations involved, will be exchanged for the new stock of the surviving corporation.

8. Is any franchise cost proposed to be capitalized on the books of the surviving corporation? If so, explain the reasons therefor, and in what manner and over what period the items are proposed to be amortized.

9. The names and addresses of the new officers, directors and principal stockholders and the number of shares to be held by each in the surviving corporation.

10. The various benefits to the public and the surviving corporation which will be realized as the result of the merger.

11. Proposed changes, if any, by the surviving corporation, in company policies with respect to finances, operations, accounting, rates, depreciation, operating schedules, maintenance and management, affecting the public interest.

12. Proof of service of notice of the proposed merger to the public, the municipalities being served by the companies to be merged, and the electric and telephone utilities serving in the area, pursuant to Rule 14:21-6.

13. Proof of compliance with rules, regulations and statutes requiring approval from other State and Federal regulatory agencies having jurisdiction in the matter.

14. A statement of the fees and expenses to be incurred in connection with the merger, and the accounting disposition to be made thereof, on the books of the surviving corporation.

14:22-19 Petitions for Permission to Keep Books and Records Outside the State of New Jersey.

Petitions for authority to keep books, records, accounts, documents and other writings outside the State of New Jersey, filed with the Office, as required under N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions of Rules 14:21 and 14:22-1 to 14:22-5 to the extent applicable, and shall in the body thereof or in attached exhibits, also provide the following information:

1. Complete description of the specific books, records, accounts, documents and other writings proposed to be kept outside the State of New Jersey.

2. The exact location where the books and records will be kept.

3. If all books and records will not be kept outside the State, what remaining records will be kept at the New Jersey location?

4. The reason for proposing to keep its books and records at a location outside the State.

5. The availability of adequate required space, facilities and experienced personnel at the new location.

6. The cost to the petitioner of maintaining the books and records at the new location as compared with that of maintaining the records at the New Jersey location.

7. The extent of the financial advantage to the subscribers and other benefits to the cable television company which will result from keeping the books and records outside the State.

8. Will the books and records, which will be kept at the location outside the State, be, on notice in writing of the Office or Board, produce at such time and place within this State as the Office or Board may designate?

9. Will the petitioner pay to the Office any reasonable expenses or charges incurred by the Office for any investigation or examination, if the Board grants said permission?

10. The location at which the petitioner will continue to maintain an office within the State of New Jersey for the convenience of its customers to pay bills, file complaints and conduct other business with the cable television company.

11. The name and address of the petitioner's statutory agent.

14:22-20 Petitions by Municipalities for Permission to Charge Franchise fee above that Prescribed in N.J.S.A. 48:5A-1 et seq

Petitions by municipalities for permission to charge a franchise fee above that prescribed in N.J.S.A. 48:5A-1 et seq., shall be filed in one of two forms:

1. A municipal consent, included by a cable television company in its petition for Certificate of Approval, will be considered a petition for permission to charge a franchise fee in excess of that prescribed in N.J.S.A. 48:5A-1 et seq., or

2. A petition, in conformity with the requirements of Rule 14:21 and 14:22-1 to 14:22-5, may be filed separately by a municipality.

3. Additionally, a municipality shall be required to provide the following information:

a) Proof that the expenses to the municipality with respect to the regulation or supervision caused by the existence and operation of the cable television company is warranted.

b) Proof that the municipality has given notice of its filing to the affected cable television company.

14:23 COMPLAINT PROCEDURE

14:23-1 Designation of the Office as Complaint Officer

When a municipality designates the Office as the "complaint officer" pursuant to the applicable provisions of N.J.S.A. 48:5A-1 et seq., the following shall be the procedure for handling complaints:

A complaint may be made by letter or other writing. Matters thus presented will be taken up with the parties affected by correspondence or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint without formal hearing or order. While no form of informal complaint is prescribed, to be considered by the complaint officer such complaint must be signed and state the name and address of the complainant and the party complained of as well as the essential facts upon which the complaint is based, including the dates of acts or omissions complained of.

The complaint officer will bring the matter to the attention of the party complained of and direct the said party to submit information deemed to be pertinent as well as a statement of its position. Following a study and review positions and supporting data and after such informal conferences as may be held, an attempt will be made to effect an amicable adjustment of the dispute. A letter will then be forwarded, within 30 days of the receipt of said complaint, to all parties reflecting the results, if any, of the processing of the complaint. Complaints shall be without prejudice to the right of any party to file a petition pursuant to N.J.S.A. 48:5A-1 et seq., to institute a formal proceeding.

RULE 14:24 ANSWERS AND REPLIES
(See 14:21-1 (b) and (c))

14:24-1 Form and Content

Any party against whom a petition is directed and who desires to contest the same or make any representation to the Office in connection therewith shall file an answer in writing thereto with the Office. The answer shall be so drawn as to apprise the parties and the Office fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the petition. Matters alleged by way of affirmative defense shall be separately stated and numbered. Answers shall not be required in any rate proceeding instituted by a cable television company.

14:24-2 Time for Filing

Unless otherwise provided in these rules or ordered by the Office with the approval of the Board, an answer, if made must be filed within 20 days after the service of the pleading against which it is directed and a party desiring to reply to an answer shall file the same with the Board within 10 days after the service of the answer. Whenever the Office believes the public interest requires expedited procedure, it may shorten the time for any answer or reply. Upon motion on notice to all parties to the proceeding, the Office with the approval of the Board may, in its discretion, extend or shorten the time to file an answer or reply.

RULE 14:25 MOTIONS

14:25-1 Form and Content

Unless made during a hearing, motions shall be in writing and shall set forth the relief or order sought and the grounds or reasons therefor. The requirements of writing are fulfilled if the motion is stated in a written notice of the motion. Motions based on matter which does not appear of record shall be supported by affidavit.

14:25-2 Time for Filing

Any motion directed to a petition must be filed before the answer is due, or such grounds of objection must be raised in the answer. If a motion is directed to an answer it must be filed before the reply is due, or such grounds of objection must be raised in the reply. If a motion is directed to a reply it must be filed within 10 days after the service of the reply.

14:25-3 Tolling of Time for Filing of Responsive Pleading

The filing of a motion shall extend the time for filing of a responsive pleading until 10 days after service by the Board of its decision on the motion, unless otherwise specifically ordered by the Board.

14:25-4 Answers to a Motion

Answers to motions, supported by affidavit of factual matters are at issue, must be served and filed within five days of service of the motion to which the answer is directed.

RULE 14:26 INTERVENTION

14:26-1 Motion to Intervene

Any person other than the original parties to the proceeding who shows that he may be substantially and specifically affected by the proceeding may move in writing for leave to intervene in the proceeding prior to or at the time it is called for hearing, or may make an oral motion for leave to intervene at the time of the hearing. Except for good cause shown, no such motion shall be granted after the proceeding is under way. Where a motion to intervene seeks to broaden the issues of the original proceeding, such motion shall be filed with the Office and copies thereof shall be served upon the original parties to the proceeding at least 10 days prior to the date of hearing. The motion to intervene must disclose the name and address of the party intervening; the name and address of his attorney, if any, his interest affected by the proceeding; the nature and quantity of evidence he will present if such motion is granted; and, if affirmative relief is sought, a clear and concise statement of the relief sought and the basis therefor.

14:26-2 Disposition of Motion to Intervene

Motions to intervene shall be considered first at all hearings or may be set for prior hearing, and an opportunity shall be afforded to the original parties to be heard thereon. If it appears after such consideration that the person seeking to intervene has a substantial and specific interest with respect to the proceeding would not otherwise be adequately represented, the Board, the Director, or other presiding Officer may grant the motion to intervene which may be done by oral order or decision at the time of the hearing, on such terms as the Board, the Director or other presiding officer may prescribe. Whenever it appears during the course of a proceeding that an intervenor has no substantial and specific interest which would be affected by the proceeding, the Board's director may dismiss him from the proceeding.

14:26-3 Limits on Intervenor

Where two or more intervenors have substantially like interests and positions the presiding officer may at any time during the hearing, if he deems it advisable in order to expedite the proceeding, limit the number of intervenors who will be permitted to introduce evidence, cross-examine witnesses or to make and argue motions and objections, noting nonetheless the appearance of said intervenors, the names of the witnesses to be offered and the fact that their testimony is corroborative of the position of the prior intervenors.

RULE 14:27 HEARING EXAMINERS

14:27-1 Designation

The Board or the Director with the approval of the Board may by general order in writing designate as a Hearing Examiner such person or persons, as provided by statute, as its representative or representatives in, and, on its behalf to conduct any hearing in any proceeding now or hereafter pending before the Office.

14:27-2 Authority

The duly designated Hearing Examiner shall have authority within the Board's powers and subject to the published rules of the Office, as follows:

(a) To regulate the course and conduct of hearings in the assigned proceeding.

(b) To administer oaths and affirmations.

(c) To rule upon offers of proof and to receive evidence.

(d) To hold appropriate conferences before or during hearings.

(e) To dispose of procedural motions, requests and other similar matters; but he shall not, except in his Report and Recommendations filed at the conclusion of the proceeding, pass upon a motion to dismiss the proceeding or other motion involving a final determination of the proceeding. Where a motion is made to dismiss a proceeding or other motion which would be dispositive of a proceeding, the Hearing Examiner shall determine whether to forthwith refer the motion to the Board for determination or to proceed with the hearing and refer the motion at the conclusion thereof. The Board, if it grants the motion, shall order the entire proceeding dismissed. In denying such motion the Board may, nevertheless, by its ruling impose such terms or otherwise limit the scope of the hearing as in its discretion, it deems appropriate, and either certify the entire proceeding for further hearing and adjudication before itself, or order the Hearing Examiner to proceed with the hearing, consistent with its ruling.

(f) To fix the time and order for filing and service of briefs provided, however, that he may not allow more than 30 days for the filing or service of initial briefs nor more than 15 days for the filing and service of answering and reply briefs, if any.

(g) To certify, within his discretion or upon discretion of the Board, any question to the Board for its consideration and disposition, or upon direction of the Board, to cause the entire proceeding to be certified to it.

(h) To take such other action as may be necessary and appropriate to the discharge of his duties consistent not only with the statutory or other authority under which the Board functions but with rules, regulations and policies of the Office and Board as well.

14:27-3 Hearing Examiner's Report and Recommendations

Unless otherwise directed or permitted by the Board, the Hearing Examiner shall not later than 30 days after completion of all steps in the proceeding before him, certify to and file with the Secretary of the Board the record of the hearing and his Report and Recommendations which shall include his findings of fact and conclusions of law and his recommended decision and order. The Hearing Examiner's Report and Recommendations shall be served by the Secretary of the Board upon all parties of record. The provisions of this rule pertaining to the filing and service of the Hearing Examiner's Report and Recommendations shall not apply where the preparation and service of the Report and Recommendations have been waived by the parties.

14:27-4 Waiver of Hearing Examiner's Report and Recommendations

Where all parties of record waive preparation and service of the Hearing Examiner's Report and Recommendations, the Hearing Examiner shall certify the entire record directly to the Board for its determination. However, if any party of record does not rule, then all parties of record shall be served with a copy of the Report and Recommendations in accordance with Rule 14:12-3 and the rights of all parties with respect thereto under these rules shall be preserved.

14:27-5 Effect of Failure to Appear at Hearing

Unless a contrary intent has been expressed on the record, any party of record who fails to appear at the final day of hearing shall be deemed to have waived the preparation and service of the Hearing Examiner's Report and Recommendations to have agreed to the certification of the proceeding to the Board. Waiver by failure to appear shall have the same effect as a waiver and consent under Rule 14:29-4.

14:27-6 Appeals to Board from Rulings of Hearing Examiner During Hearing

Rulings of the Hearing Examiner may not be appealed to the Board during the course of any hearing except in extraordinary circumstances when prompt decision by the Board is necessary to prevent detriment to the public interest.

14:27-7 Exceptions to the Board from the Report and Recommendations of the Hearing Examiner

(a) Notice of Exceptions. Any party objecting to the Report and Recommendations of the Hearing Examiner shall within 15 days after service of a copy of the Hearing Examiner's Report and Recommendations file 4 copies of a notice of exceptions thereto together with proof of service of such notice of exceptions on all parties of record.

(b) Filing of Exceptions. Within 15 days after the filing of the notice exceptions the party filing the same shall file and serve his exceptions which shall specify the particular statements or parts to which exception is taken shall designate by special references the portions of the record relied upon in support of such exceptions shall set out specific findings of fact and conclusions of law proposed in lieu thereof and shall include any proposed additional findings of fact and conclusions of law. Exceptions to conclusions of law shall be specific; shall briefly cite the statutory provisions or principal authorities relied upon; shall set forth conclusions suggested in lieu thereof; and shall include any proposed additional conclusions. Exceptions to the recommended order shall specify the portions thereof excepted to, and shall set forth a form of order suggested in lieu of the recommended order. Supporting reasons for exceptions shall be submitted in the same document or in an accompanying brief. Six copies of such exceptions and briefs shall be filed with the Board through the Office, together with proof of service of such exceptions on all parties of record.

(c) Failure to Except Results in Waiver. Failure to file a notice of exception or exceptions within the time allowed shall constitute a waiver of all objections to the Hearing Examiner's Report and Recommendations. Unless permitted by the Board any matter of record not included in the exceptions filed as provided in this rule may not thereafter be objected to before the Board upon brief or oral argument or upon application for rehearing and any matter of record not included in such exceptions shall be deemed waived. Exceptions to the Hearing Examiner's Report and Recommendations based upon admission or exclusion of evidence not objected to at the time of the Hearing Examiner's ruling was made will be unavailing unless permitted by the Board.

(d) Answers to Exceptions. If exceptions to the Hearing Examiner's Report and Recommendations and accompanying briefs have been filed and served, other parties of record may file an answer thereto and supporting brief within 15 days of service of the exceptions. The number of copies of the answer and brief to be filed with the Board, through the Office, the manner of service, and filing of proof of service shall conform to the provisions of subparagraph (b) of this rule.

(e) Ruling on Exceptions. The exceptions and answer thereto, if any, will be disposed of by the Board on the exceptions, answers and briefs filed unless the Board in its discretion requires or permits oral argument, in which case the Board will schedule the matter for argument before it.

14:27-8 Review of Hearing Examiner's Report and Recommendations by the Board on its Own Motion or by Recommendations of the Director

The Board may institute on its own motion or by recommendation of the Director a review of any aspect of the Hearing Examiner's Report and Recommendations and it may call for oral argument, the filing of briefs, or both, or the taking of additional testimony.

14:27-9 Hearing Examiner's Report and Recommendations does not Automatically Become the Order or Decision of Board

The Report and Recommendations of the Hearing Examiner will not become an order or decision of the Board without affirmative action. The Board will either adopt, reject or modify the Report and Recommendations. If there are no exceptions to the Report and Recommendations and the Board proposes to reject or modify the Report and Recommendations then the provisions of Rule 14:28-9 are applicable.

14:27-10 Unavailability of Hearing Examiner

If a Hearing Examiner becomes unavailable to the Board, the Board or the Office with the approval of the Board will either designate another qualified officer to serve in his place, who shall read the record theretofore made, or will cause the matter to be certified to it, or take such other action as may be deemed appropriate, giving notice to the parties or their attorneys of record.

RULE 14:28 HEARINGS

14:28-1 Place and Time of Hearings

Notice in writing will be given by the Office to parties or their attorneys of record of the place, date and hour of the initial hearing at least ten (10) days before the time set therefor, unless the Board, the Director or the presiding Officer shall find that public necessity requires the hearing to be held at an earlier date. Where the hearing is presided over by a Hearing Examiner, he shall not adjourn a matter for more than 30 days without the approval of the Director. In any proceeding, the Office may require a party to give notice of the hearing and its scope to persons who may be affected by the proceeding, which may include publication and posting of notice of hearing, at such party's expense, in such manner and for such time and in such newspapers as the Board, the Director or the presiding Officer may designate.

14:28-2 Open Hearings

Hearings shall be open to the public.

14:28-3 Before Whom Held

Hearings shall be held before the Board, a member thereof, the Director or Officer duly designated Hearing Examiner, hereafter referred to as presiding Officer.

14:28-4 Procedure at Hearing

The presiding Officer shall call the proceeding for hearing, cause the appearances to be entered on the record and act upon pending motions. In hearings upon petitions, the petitioner shall open and close. The presiding officer shall determine the order in which parties other than the petitioner may be heard. In proceedings under Rule 14:22-16 and Rule 14:22-17, the cable television company shall open and close. In proceedings instituted on the Board's own motion the respondent shall open and close unless the Board or the presiding officer otherwise directs. In proceedings where the evidence is peculiarly within the knowledge or control of another party or participant, the foregoing order of proceeding may be waived by the presiding officer.

14:28-5 Consolidation

The Board or the presiding officer may consolidate two or more proceedings for hearing where related questions of law or fact are involved provided that the rights of parties will not be prejudiced by such procedure. Where two or more proceedings are consolidated for hearing the presiding officer shall determine the order in which the parties shall be heard and introduce evidence.

14:28-6 Witnesses

(a) Oral Testimony. Witnesses shall be examined orally and for good cause shown the Board may permit their testimony to be taken by deposition in the manner provided for by the Civil Practice Rules applicable in the Superior Court. Witnesses shall be sworn, or shall affirm, before their testimony is taken.

(b) Written Testimony. Written testimony of any witness may be offered provided its author is produced at a hearing and swears or makes affirmation to the truth and accuracy thereof and is available for cross-examination, provided that copies of such written testimony shall have been filed with the Office and served upon all or such parties to the proceeding or their attorneys of record at least 10 days in advance of the session of the hearing at which such testimony is offered, unless all parties in attendance at the said session of the hearing shall agree that all or any part of such 10 days' prior service be waived, except that the Board, or presiding officer, in the absence of such an agreement, may permit the introduction of such written testimony after giving all parties present a reasonable opportunity to examine it. Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Board or presiding officer may direct that testimony to be given upon direct examination be reduced to writing within a reasonable period of time and be served and offered in the manner hereinbefore set forth. Objections to the qualifications of the witness or to such written testimony or to any part thereof may be made by motions to strike.

(c) Witnesses' Testimony. Witnesses appearing at a hearing may, in the discretion of the presiding officer, be given an opportunity to testify out of the usual order of presentation of the evidence.

14:28-7 Subpoenas

(a) Subpoenas and Testificandum. Subpoenas requiring the attendance of witnesses, unless directed by the Board upon its own motion, shall issue only by direction of the Board, one of its members, the Director or the presiding officer upon written petition with proof of service upon the parties to the proceeding at least 5 days prior to the date of the hearing and accompanied by the statutory fee, which shall specify the general relevance, materiality, and scope of the testimony sought.

(b) Subpoenas Duces Tecum. Subpoenas for the production of books, papers or documents unless directed to be issued by the Board on its motion, shall be issued by the Board, one of its members, the Director or the presiding officer. Upon petition in writing at least 10 days before the date of hearing, accompanied by the statutory fee. The petition shall describe the books, papers or documents and the facts to be proved by them in sufficient detail to indicate the materiality and relevancy of the evidence sought. Copies of such petitions shall be served by the petitioner upon the parties prior to the filing thereof and proof of service shall be filed. The Board or presiding officer may require hearing on said petition upon notice to the parties.

(c) Fees of Witnesses. Witnesses subpoenaed shall be paid fees and mileage as provided by N.J.S.A. 48:2-39. Witnesses subpoenaed at the instance of a party shall be paid the fees by the party at whose instance the witness is subpoenaed, and the Board or Office before issuing any subpoena (ad testificandum or duces tecum) may require a deposit of an amount adequate to cover the fees and mileages involved.

(d) Motions to Quash. Subpoenas shall be subject to motions to quash filed with the Office at least 5 days prior to the date of hearing. The presiding officer may waive the 5 day requirement and permit an oral motion.

(e) Testimony of Board Member, the Director or Employee under Subpoena. No member or employee of the Board or the Office shall be subpoenaed to give testimony or to produce records in any proceeding before the Board or Office unless called as a witness by the Board, the Director or the presiding officer, or otherwise permitted by the Board.

14:28-8 Stipulations

Stipulations with respect to any matter of fact or authenticity of any books, papers or documents may be received in evidence at a hearing and when so received shall be binding on the parties with respect to the matters therein stipulated. All stipulations except those entered into during the course of a hearing shall be in writing. Stipulations not in writing shall be stated on the transcript of the hearing.

14:28-9 Evidence Offered at Hearings

(a) Admissibility. In any proceeding before the Board the Director or the presiding officer all evidence having reasonable probative value shall be admitted but evidence which is immaterial, irrelevant or unduly repetitious or cumulative shall be limited or excluded.

(b) Objections to Admissibility. When objections to the admissibility or exclusion of evidence before the Board, the Director or the presiding officer are made, the grounds relied upon shall be stated briefly. Formal exceptions to rulings thereon by the Board, the Director or the presiding officer shall not be deemed necessary to preserve the rights of the objector on review, rehearing, or appeal.

(c) Parts of Documents. Where matter offered in evidence is embraced in a document containing other matter not intended to be put in evidence, the party offering the same shall plainly designate the matter so offered. If the other matter in such document is of such bulk or extent as would unduly encumber the record, such document will not be received in evidence, but it may be marked for identification and, if properly authenticated, the relevant and material parts thereof offered, may be read into the record, or if the Board, the Director or the presiding officer so directs a copy of such matter shall be received in evidence as an exhibit, and copies shall be delivered by the party offering the same to the other parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the entire document and to offer in evidence in like manner other material and relevant portions thereof.

(d) Matter in Office's Files. In case there is offered in evidence any matter contained in a report or other document on file with the Office or any portion of the record in any other proceeding before the Office or Board, such report, other document, or record in another proceeding need not be produced or marked for identification but the matter therein offered may be admitted in evidence by reference on motion plainly identifying the matter offered and demonstrating that it is reasonably available to the parties.

(e) Copies of Exhibits. Except as otherwise provided in these rules when exhibits are offered in evidence, 4 copies shall be furnished to the presiding officer and one to each of the parties or their counsel present at the session of the hearing at which the exhibit is offered unless the Board, the Director or the presiding officer otherwise directs.

(f) Official Notice. Official notice may be taken of such matters as might be judicially noticed by the courts of this State.

(g) Requirement of Additional Evidence. At any stage of the hearing, of after the close of testimony the Board, the Director or the presiding officer may call for further evidence upon any issue and require such evidence to be presented by the party or parties concerned at a hearing to be held for that purpose. The provisions of this paragraph, however, shall in no wise be deemed to relieve or excuse a party charged with the burden of proof from as fully sustaining said burden as he would be without regard to the provisions of this paragraph.

(h) Pleadings Part of Record but not Evidence. All pleadings and orders shall be considered as parts of the record as pleadings, but shall not be considered as evidence of any fact other than the filing thereof unless offered and received in evidence.

14:28-10 Transcript

(a) Transcript Required in all Public Hearings. The Office will cause to be made a stenographic report of all public hearings by the official reporter designated by the Board and the transcript thereof shall be a part of the record and the sole official transcript of the proceedings. Except that the presiding officer may direct that the stenographer's notes not be place in transcript form.

(b) Transcript Corrections. Corrections in the official transcript may be made only to make it conform to the testimony actually presented at the hearing. Any party may proposed corrections. The Board, the Director, other presiding officer may call for submission of proposed corrections.

No corrections or physical changes shall be made in or upon the official transcript of the proceeding, even though agreed to by the parties or their counsel, unless authorized by the Board, the Director or the presiding officer at appropriate times during the course of the proceeding.

(c) Copies of Transcript. Any person desiring copies of the transcript may obtain the same from the official reporter upon payment of the fee therefor. However, this shall not preclude any party from obtaining a transcript at his own cost and expense.

(d) Payment for Transcripts. Every Petitioner seeking affirmative relief, where a hearing is held, shall furnish the Board with a copy of the transcript at the Petitioner's cost and expense within 14 days of the date of the hearing, unless a different period is ordered by the presiding officer.

RULE 14:29 CONFERENCES

14:29-1 Purposes

(a) To Adjust or Settle Proceeding. Informal conferences of parties or their attorney may be held at any time to provide opportunity for settlement, subject to approval of the Office, of a proceeding or any of the issues therein, and for the submission and consideration of facts, arguments, offers of settlement or proposals of adjustment, as time, the nature of the proceeding and the public interest may permit.

(b) Prehearing Conferences to Expedite Hearings. Prehearing conferences of parties or their attorneys may be held to expedite the orderly conduct and disposition of any hearing, and at such conferences there may be considered, in addition to the matters set forth in subparagraph (a) of this rule, the possibility of the following:

1. Simplification of the issues.

2. Exchange and acceptance of service and exhibits and written testimony proposed to be offered in evidence.

3. Obtaining of admission as to or stipulation of facts not remaining in dispute, or the documents or other evidence.

4. Limitation of the number of expert witnesses.

5. Such other matters as may be properly dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

14:29-2 Initiation of Conferences

The Director, or the presiding officer, with or without motion, may direct that a conference be held either prior to or at any stage of a hearing. On motion of a party, the presiding officer designated to preside at the hearing or such other officer as the Director may designate, may direct the parties or their attorneys to appear for a conference to consider the matters outlined in Rule 14:28-1(b). Due notice of the time and place of such conference will be given to all parties. Nothing contained in this rule shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the Office, or from requesting conferences for such purposes.

14:29-3 Stipulation of Conference Results

Upon conclusion of a conference other than under Rule 14:27-1(a) the parties or their attorneys shall reduce the results thereof to the form of a written stipulation reciting the matters agreed upon and three copies thereof shall be filed with the Office, within 10 days of the date of the conference. Such stipulations shall be signed by the parties or their attorneys, shall be received in evidence as part of the record and when so received, shall be binding on the parties with respect to the matters therein stipulated.

14:29-4 Unaccepted Offers of Settlement Privileged

Unaccepted proposals of settlement or of adjustment or as to procedure to be followed and proposed stipulations not agreed to shall be privileged and shall not be admissible in evidence against any attorney or party.

RULE 14:30 REOPENING OF HEARINGS

14:30-1 Method of Reopening

(a) By Parties. Any time after the conclusion of a hearing in a proceeding or adjournment thereof sine die, but before the entering and issuance by the Board of its final decision or order, any party to the proceeding may file with the Board through the office a motion to reopen the hearing for the purpose of taking additional evidence. Such motion shall set forth clearly the reasons for reopening of the hearing, including any material changes of fact or of law alleged to have occurred since the last hearing.

(b) By Board on its Own Motion or by Recommendation of the Director. If, after the hearing in a proceeding, the Board shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, or that the Director recommends the reopening of such hearing, the Board will issue an order for the reopening of the same.

14:30-2 Motion to Reopen

(a) Notice. Upon filing by any party of a motion for the reopening of a hearing, appropriate notice thereof shall be given forthwith by the moving party to all other parties, or their attorneys of record, by service of a copy of the motion for reopening.

(b) Answers. Within 10 days following the service of a motion to reopen any party to the proceeding may serve upon the moving party and file with the Board through the Office his answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such motion.

(c) Board Action. As soon as practicable after the filing of answer to a motion to reopen or default thereof, as the case may be, the Board will grant or deny such motion. The action by the Board may be conditioned on reasonable terms.

RULE 14:31 REHEARING, REARGUMENT OR RECONSIDERATION

14:31-1 Method of Instituting

(a) By Parties. A motion for rehearing, reargument or reconsideration of a proceeding may be filed by any party within 15 days after the issuance of any final decision or order by the Board. Such motion shall state in separately numbered paragraphs the alleged errors of law or fact relied upon and shall specify whether reconsideration, reargument, rehearing, or further hearing is requested and whether the ultimate relief sought is reversal, modification, vacation or suspension of the action taken by the Board or other relief. Where opportunity is also sought to introduce additional evidence, the evidence to be adduced shall be stated briefly together with reasons for failure to previously adduce said evidence.

(b) By Board on Its Own Motion or by Recommendation of the Director. The Board at any time may order a rehearing, reargument or reconsideration on its own motion or by recommendation of the Director and extend, revoke or modify any decision or order made by it.

14:31-2 Motions and Answers on Rehearing

(a) Motions. A copy of the motion shall be served by the moving party upon all other parties or their attorneys of record, forthwith upon the filing hereunder. The moving party shall also give such notice, as the Board may direct, of the filing of the motion to all other persons to whom notice of the original hearing had been given.

(b) Answers. Any answer to the motion shall be filed within 10 days following the service of the motion. Failure to file an answer shall be deemed to be a waiver of any objection to the granting of the motion.

(c) Board Action. Any motion hereunder which is not granted or otherwise expressly acted upon by the Board within 60 days after the filing thereof, shall be deemed denied.

(d) Stay. The filing or granting of any motion under this rule shall not operate as a stay of the Board's decision or order. A stay will be granted only for good cause shown.

RULE 14:32 BRIEFS

14:31-1 Filing and Service

(a) General. No party to a proceeding shall, if the circumstances permit, be denied the right to file a brief and the Board, the Director or the presiding officer may in any proceeding require the filing of briefs.

(b) Time for Filing. The Board, the Director or the presiding officer shall fix the time for the filing and service of briefs with due regard to size or the record, the nature, complexity and importance of the proceedings or of the issues involved provided, however, that the presiding officer may not allow more than 30 days for the filing and service of initial briefs and 15 days for the filing and service of answering and reply briefs, if any.

(c) Order of Filing. The Board, the Director or the presiding officer may fix the order in which briefs shall be filed. Unless otherwise specifically directed by the Board, the Director or the presiding officer, briefs shall be filed simultaneously.

(d) Service. All briefs shall be accompanied by proof of service upon all parties or their attorneys of record.

(e) Number of Copies. Unless otherwise permitted or directed by the Board or the presiding officer, 8 copies of each brief shall be furnished for the use of the Board or the Office.

(f) Extension of Time. Requests for extension of time in which to file briefs shall be in writing served upon parties of record or their attorneys and submitted to the Board through the Office at least five days before the time fixed for filing such briefs.

14:32-2 Specifications as to Briefs

General. All briefs shall be as concise as possible and shall in all respects conform to the requirements of Rule 14:31-2, except that the paper used shall not exceed 8½ x 11 in size and the binding shall be on the left margin.

(b) Contents and Scope. Briefs should contain a table of contents and an aphabetical list of cases and authorities cited with appropriate page references:a statement of questions involved: a concise statement of facts with reference to the testimony or exhibits where the evidence appears: the argument divided under appropriate headings into as many parts as there are points to be argued: proposed or requested findings and conclusions, and if directed, a proposed form of decision or order.

(c) Exhibits. Exhibits may be analyzed but should not be reproduced in the brief. If desired, exhibits may be reproduced in an appendix to the brief.

RULE 14:33 COMPLIANCE WITH ORDERS, DECISIONS AND RECOMMENDATIONS

14:33-1 Orders and Decisions

Upon the issuance of an order or decision of the Board the party to whom the same is directed must notify the Board through the Office on or before the date specified in said order or decision whether or not compliance has been made in conformity therewith.

14:33-2 Recommendations

Upon the making of any recommendation by the Board the party to whom the same is directed must within 15 days after the making of the recommendation, unless otherwise specifically required, notify the Board through the Office of the acceptance or rejection thereof. Failure to comply with this rule will be deemed an acceptance of the recommendation.

14:33-3 Extension of Time Limits

In instances where the Board's decision or order contains a specific time or date for compliance, and the petitioner desires extension of such time limit, petition to the Board through the Office shall be made in writing at least 5 days before the expiration of the time limit.

14:33-4 Answers to Communications

Unless otherwise specified, any letter or telegram from the Board through the Office directing investigation of any matter under its jurisdiction must be complied with by the cable television company and a report received by the Office within 15 days from the date of the letter or telegram. If circumstances prevent compliance with this rule, the cable company must advise the Board through the Office, in writing within the above-prescribed period, of its inability to comply and the reasons therefor.